

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SUSAN F. URELL,

Plaintiff,

v.

Civil Action 2:23-cv-3652
Judge Sarah D. Morrison
Magistrate Judge Chelsey M. Vascura

COLGATE-PALMOLIVE
COMPANY, *et al.*,

Defendants.

ORDER

This matter is before the Court on Plaintiff's Objection to the Court's December 11, 2023 Report and Recommendation (ECF No. 10). Plaintiff objects to the undersigned's recommendation that Plaintiff's claims against Defendant Marsha Butler be dismissed for failure to state a claim under 28 U.S.C. § 1915(e). In her Objection, Plaintiff includes additional allegations concerning Ms. Butler that were not present in Plaintiff's Complaint. Accordingly, the undersigned construes Plaintiff's Objection (ECF No. 10) as a motion to amend the Complaint, and **GRANTS** that motion. Plaintiff is **ORDERED** to file an Amended Complaint, **WITHIN FOURTEEN DAYS** of the date of this Order, that includes Plaintiff's additional allegations against Ms. Butler and makes no other changes. Plaintiff is **ORDERED** to file with her Amended Complaint only those exhibits, if any, that were not included with Plaintiff's previous Complaint. Once Plaintiff files her Amended Complaint, the Court will re-screen it under § 1915(e). The December 11, 2023 Report and Recommendation (ECF No. 4) is **HELD IN ABEYANCE** pending re-screen of Plaintiff's Amended Complaint.

This matter is further before the Court on Plaintiff’s Motion for Appointed Lawyer (ECF No. 12.) Plaintiff’s request for appointment of counsel is **DENIED** is at this juncture. Although this Court has the statutory authority under 28 U.S.C. § 1915(e) to appoint counsel in a civil case, appointment of counsel is not a constitutional right. *Lavado v. Keohane*, 992 F.2d 601, 605–06 (6th Cir. 1993) (citation omitted). Rather, “[i]t is a privilege that is justified only by exceptional circumstances.” *Id.* at 606. The Court has evaluated whether such exceptional circumstances exist and determines that the appointment of counsel is not warranted at this juncture. Accordingly, Plaintiff’s Motion for Appointed Lawyer (ECF No. 12) is **DENIED**.

IT IS SO ORDERED.

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE